

Court of Appeals, State of Michigan

ORDER

Rick Brady v City of Wyoming

Docket No. 260390

LC No. 04-008384-AA

David H. Sawyer
Presiding Judge

Janet T. Neff

Michael R. Smolenski
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the January 4, 2005, order of the circuit court granting the motion for summary disposition is VACATED for the reason that a circuit court cannot appropriately consider a motion for summary disposition once pleadings are filed in the circuit court from a decision by a zoning board of appeals. See *Macenas v Village of Michiana*, 433 Mich 380; 446 NW2d 102 (1989); *Carleton Sportsman's Club v Exeter Twp*, 217 Mich App 195; 550 NW2d 867 (1996). Plaintiffs are persons having an interest affected by the zoning ordinance who may appeal to the circuit court, *Brown v East Lansing Zoning Bd of Appeals*, 109 Mich App 688; 311 NW2d 828 (1981); therefore, this case is REMANDED for the circuit court to review the record and decision of the zoning board of appeals under MCL 125.585(11). We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 11 2005
Date

Sandra Schultz Mengel
Chief Clerk